

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) Civil Action No. 01-12257-PBS
)
) Hon. Patti B. Saris
THIS DOCUMENT RELATES TO)
ALL CONSOLIDATED PRIVATE) Chief Mag. Judge Marianne B. Bowler
CLASS ACTIONS)
)

**TRACK TWO DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL THE
REBUTTAL DECLARATION OF STEVEN J. YOUNG IN SUPPORT OF TRACK TWO
DEFENDANTS' OPPOSITION TO CLASS CERTIFICATION**

Defendant Aventis Pharmaceuticals Inc. on behalf of itself and all other Track Two Defendants hereby moves this Court for leave to file the Rebuttal Declaration of Steven J. Young in Support of the Track Two Defendants' Opposition to Class Certification (the "Young Rebuttal Declaration") under seal (attached as Exhibit A to the Track Two Defendants' Motion for Leave to File the Rebuttal Declaration of Steven J. Young in Support of Track Two Defendants' Opposition to Class Certification Under Seal, which is concurrently being filed under seal) because the Young Rebuttal Declaration and the exhibits appended thereto contain confidential medical information of the individual named Plaintiffs. Pursuant to the Orders entered on May 25 and June 22, 2006, this Court indicated that submissions referencing private or confidential medical information of named plaintiffs may be entitled to be filed under seal, as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information. Accordingly, the Young Rebuttal Declaration should be filed under seal pursuant to the May 25 and June 22, 2006 Orders [Docket Entry Nos. 2614 and 2758, respectively].

WHEREFORE, the Track Two Defendants respectfully request that this Court grant leave to file the Young Rebuttal Declaration under seal.

Respectfully submitted,

/s/ Aimée E. Bierman

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and on behalf of the following Track Two
Defendants:

Abbott Laboratories, Amgen Inc., Aventis
Pharmaceuticals Inc., Baxter Healthcare
Corp., Baxter International Inc., Bayer
Corporation, Dey, Inc., Fujisawa Healthcare
Incorporation, Fujisawa USA, Inc., Hoechst
Marion Roussel, Inc., Immunex
Corporation, Pfizer, Inc., Pharmacia Corp.,
Pharmacia & Upjohn, Sicor, Inc. f/k/a
Gensia, Inc., Gensia Sicor Pharmaceuticals,
Inc., Sicor Pharmaceuticals, Inc., Watson
Pharmaceuticals, Inc., and ZLB Behring
L.L.C.

Dated: September 7, 2006

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel hereby certifies that on September 7, 2006, counsel for the Track Two Defendants conferred with counsel for Plaintiffs on this Motion. Plaintiffs indicated that they would not assent to this Motion.

/s/ Aimée E. Bierman
Aimée E. Bierman

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2006 I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Aimée E. Bierman
Aimée E. Bierman